

***IN THE DISTRICT COURT OF THE UNITED STATES***

***for the Western District of New York***

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**NOVEMBER 2017 GRAND JURY  
(Impaneled 11/03/2017)**

**THE UNITED STATES OF AMERICA**

**-vs-**

**INDICTMENT**

**SCOTT MYERS**

**Violations:**

Title 18, United States Code,  
Sections 2422(b), 2251(a),  
2252A(a)(2), and 2252A(a)(5)(B)

(6 Counts and Forfeiture Allegation)

**COUNT 1**

**(Attempted Enticement of a Minor)**

**The Grand Jury Charges That:**

Between on or about June 18, 2015, and on or about July 28, 2015, in the Western District of New York, and elsewhere, the defendant, SCOTT MYERS, using facilities and means of interstate and foreign commerce, that is, a cellular telephone and the internet, did knowingly attempt to persuade, induce, entice and coerce Victim 1, a person known to the Grand Jury, an individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense.

**All in violation of Title 18, United States Code, Section 2422(b).**

**COUNT 2**  
**(Attempted Enticement of a Minor)**

**The Grand Jury Charges That:**

Between in or about November 2013 and on or about October 9, 2015, in the Western District of New York, and elsewhere, the defendant, SCOTT MYERS, using facilities and means of interstate and foreign commerce, that is, a cellular telephone and the internet, did knowingly attempt to persuade, induce, entice and coerce Victim 2, a person known to the Grand Jury, an individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense.

**All in violation of Title 18, United States Code, Section 2422(b).**

**COUNT 3**  
**(Production of Child Pornography)**

**The Grand Jury Charges That:**

Between in or about November 2013 and on or about October 9, 2015, in the Western District of New York, and elsewhere, the defendant, SCOTT MYERS, did knowingly employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 2, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing, and having reason to know, that the visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce; which visual depictions were produced and transmitted, and would be produced and transmitted, using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and which visual depictions

were actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

**All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).**

**COUNT 4**  
**(Receipt of Child Pornography)**

**The Grand Jury Charges That:**

Between on or about November 24, 2013, and on or about February 21, 2014, in the Western District of New York, and elsewhere, the defendant, SCOTT MYERS, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, images of Victim 2, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Section 2252A(a)(2)(A).**

**COUNT 5**  
**(Possession of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about October 21, 2015, in the Western District of New York, the defendant, SCOTT MYERS, did knowingly possess material, that is, a silver thumb drive bearing a “Ford” emblem, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and

affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).**

**COUNT 6**  
**(Possession of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about October 21, 2015, in the Western District of New York, the defendant, SCOTT MYERS, did knowingly possess material, that is, a HP Pavilion laptop computer, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).**

**FORFEITURE ALLEGATION**

**The Grand Jury Alleges That:**

As a result of the offenses alleged in this Indictment, the defendant, SCOTT MYERS, shall forfeit to the United States any matter which contains any such visual depiction of child pornography, which was produced, transported, mailed, shipped, or received and/or any and all property, real and personal, used or intended to be used to commit or to promote the

commission of such offense, and all property traceable to such property, including but not limited to the following:

- 1) One (1) silver thumb drive bearing a "Ford" emblem and serial number BE115023379B.
- 2) One (1) Samsung Galaxy S4 cellular telephone bearing IMSI 311480100448893.
- 3) One (1) HP Pavilion laptop computer bearing serial number 5CD2200KVS.
- 4) One (1) Samsung Galaxy tablet model SM-T230NU and bearing serial number CE0168.
- 5) One (1) Dell laptop computer bearing serial number GV5KQZ1.

**All pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3).**

DATED: Buffalo, New York, December 13, 2017.

JAMES P. KENNEDY, JR.  
United States Attorney

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A TRUE BILL:

S/FOREPERSON